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8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**
9 **(Hall of Justice)**

11 CATHRINE DEBOER,

12 vs.

13 CLAIM JUMPER ACQUISITION
14 COMPANY, LLC; ANGEL
15 SANCHEZ; and DOES 1 through 50,
16 Defendants.

CASE NO.: 37-2019-00001436-CU-OE-CTL

COMPLAINT FOR DAMAGES:

1. Quid Pro Quo Sexual Harassment (Gov. Code § 12940(j));
2. Hostile Work Environment Sexual Harassment (Gov. Code § 12940(j));
3. Gender Discrimination (Gov. Code § 12940(a));
4. Wrongful Termination;
5. Failure to Prevent Harassment, Discrimination, and Retaliation (Gov. Code § 12940(k));
6. Negligent Hiring, Supervision, or Retention of Employee;
7. Sexual Battery; and
8. Gender Violence (Civil Code § 52.4).

21 Plaintiff, Cathrine DeBoer, alleges:

22 1. Plaintiff, Cathrine DeBoer ("DeBoer"), is a 31 year-old, single mother of three young
23 children, one of whom has cerebral palsy, all residing in San Diego County, California. Ms. DeBoer
24 is a licensed California phlebotomist, but at the time of the sexual assaults described below, she was
25 a server at the Claim Jumper restaurant located inside the Wyndham San Diego Bayside hotel – 1355
26 North Harbor Drive in San Diego, California.

27 2. Defendant, Claim Jumper Acquisition Company, LLC (hereinafter "Claim Jumper"),
28 is a limited liability company organized and existing under the laws of the state of Nevada.

1 3. Defendant, Angel Sanchez ("Sanchez"), is a 48 year-old male who resides in San
2 Diego County, California, and also goes by the name Angel Sanchez Munoz. Despite the egregious
3 acts of sexual assaults – which, despite indisputable evidence (e.g., an audio recording of compelled
4 oral sex), Sanchez and Claim Jumper still deny – Sanchez not only remains employed by Claim
5 Jumper, he has also kept his position as a supervisor, manager, and managing agent at the Wyndham
6 San Diego Bayside location.

7 3. The true names and capacities, whether individual or otherwise, of defendants Does 1
8 through 50 are unknown to DeBoer who, therefore, sues them by such fictitious names pursuant to
9 CCP § 474. DeBoer is informed and believes that each of the Doe defendants is responsible in some
10 manner for the acts of omissions alleged in this complaint or caused her damages.

11 4. At all material times, all of the defendants were agents and employees of the other
12 defendants and when doing the acts alleged in this complaint they acted within the course and scope
13 of such agency and/or employment. At all material times, each of the defendants authorized and
14 ratified the acts of the other defendants.

15 5. DeBoer is a thirty one year-old single mom of three young girls. One of her daughters
16 has cerebral palsy. DeBoer worked two jobs to take care of her daughters and went to night school
17 to become a phlebotomist to improve their lives. Obviously, DeBoer's employment was critically
18 important to her family – and Sanchez knew it.

19 6. In July 2017, DeBoer began working for Claim Jumper as a food server. Sanchez was
20 a manager and supervisor, and quickly realized he could exploit DeBoer's dependence on her job and
21 the past abuse by other men that DeBoer had suffered since childhood.

22 7. Sanchez capitalized on DeBoer's vulnerabilities for the malicious and evil motive of
23 compelling DeBoer into sexual submission by doing such things as:

- 24 a. Sanchez asked DeBoer to meet him outside of work and have sex;
- 25 b. Sanchez complimented DeBoer's looks, touched her on a daily basis, and tried
26 to be physically close to her. This conduct consisted of sexually inappropriate comments and
27 requests. On many occasions, Sanchez told DeBoer that if she wanted to advance her employment
28 she had to provide sexual favors and not complain;

1 c. In October 2017, Sanchez slid his fingers into DeBoer's pants and touched her
2 vagina. Sanchez said, "What color panties are you wearing?" and "We should fuck back here.
3 Nobody can see us." DeBoer backed away. Sanchez pursued her, came up from behind her again
4 and tried to pull her back toward his body. Sanchez rubbed her breasts, butt, and vagina from
5 behind. Sanchez asked, "[l]et me lick it," referring to DeBoer's vagina and asked her if she was
6 "wet." Sanchez told DeBoer, "[w]e can help each other out," meaning he would provide job benefits
7 in exchange for sex;

8 d. In late 2017, Sanchez invited DeBoer to go to the produce cooler multiple
9 times and kept touching her body at work. Sanchez often mentioned that he could get DeBoer a
10 promotion in exchange for sexual favors;

11 e. On five occasions — December 2017, January 2018, February 2018, April
12 2018 and August 2018 — Sanchez forced DeBoer to give him oral sex in the restaurant, including in
13 dining areas and restrooms during regular business hours when customers were present. On one
14 occasion, because she feared another felony sexual assault was going to happen, and could
15 potentially use the recording as evidence to obtain a restraining order, DeBoer recorded the assault.
16 This assault took place in a dining room where Sanchez had turned off the lights, keep himself out
17 of sight of the other workers in the area who were close enough to potentially overhear any
18 communications.

19 8. Soon after the January 2018 sexual assault, DeBoer left work early (because of the
20 assault) and was so traumatized, she got into a car accident, causing her to have a miscarriage.

21 9. On August 23, 2018, DeBoer filed a complaint with the Department of Fair
22 Employment and Housing and received her right-to-sue on the same date. DeBoer has exhausted
23 all administrative remedies.

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1 **FIRST CAUSE OF ACTION**
2 **(Quid Pro Quo Sexual Harassment**
3 **(Gov. Code § 12940(j)) Against All Defendants)**

4 10. DeBoer re-alleges paragraphs 1 through 9.

5 11. As alleged above, DeBoer's supervisor, Sanchez, made unwanted sexual advances to
6 DeBoer and engaged in unwanted verbal and physical conduct of a sexual nature. As alleged above,
7 terms of employment, job benefits, or favorable working conditions were made contingent, by words
8 or conduct, on DeBoer's acceptance of Sanchez's sexual advances or conduct.

9 12. As a legal and proximate result of these sexual advances and encounters, DeBoer
10 suffered, and will continue to suffer, economic and non-economic damages, including medical
11 expenses, lost wages, lost earning capacity and general damages, including, but not limited to, for
12 emotional distress and mental suffering.

13 13. Sanchez committed the above acts with malice, fraud and oppression in conscious
14 disregard of plaintiff's rights and safety. Claim Jumper authorized and ratified the conduct of
15 Sanchez by failing to investigate or remedy the ongoing, pervasive, and hostile sexual harassment
16 that was occurring in the workplace. Claim Jumper further had advanced knowledge of Sanchez'
17 misconduct yet continued to employ him in reckless disregard for the rights and safety of Claim
18 Jumper employees and customers, including DeBoer. Plaintiff is therefore entitled to punitive
19 damages against all defendants as defined by Civil Code § 3294.

20 **SECOND CAUSE OF ACTION**
21 **(Hostile Work Environment Sexual Harassment**
22 **(Gov. Code § 12940(j)) Against All Defendants)**

23 14. DeBoer re-alleges paragraphs 1 through 13.

24 15. As alleged above, DeBoer was an employee of Claim Jumper and was subjected to
25 unwanted, severe, and pervasive harassment and abusive sexual conduct by her supervisor, Sanchez,
26 because she is a woman.

27 16. A reasonable woman in DeBoer's position would have considered the conduct of
28 Sanchez to be hostile and sexually harassing and abusive. DeBoer did consider Sanchez's conduct
and the resulting work environment to be hostile and sexually abusive.

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1 17. As a legal and proximate result of the hostile work environment sexual harassment,
2 DeBoer suffered damages, and will continue to suffer damages, including but not limited to, past and
3 future medical expenses, pain, suffering, emotional distress, mental anguish, and embarrassment.

4 18. Sanchez committed the above acts with malice, fraud and oppression in conscious
5 disregard of plaintiff's rights and safety. Claim Jumper authorized and ratified the conduct of
6 Sanchez by failing to investigate or remedy the ongoing, pervasive, and hostile sexual harassment
7 that was occurring in the workplace. Claim Jumper further had advanced knowledge of Sanchez'
8 misconduct yet continued to employ him in reckless disregard for the rights and safety of Claim
9 Jumper employees and customers, including DeBoer. Plaintiff is therefore entitled to punitive
10 damages against all defendants as defined by Civil Code § 3294.

11 **THIRD CAUSE OF ACTION**
12 **(Gender Discrimination (Gov. Code § 12940(a))**
 Against All Defendants)

13 19. DeBoer re-alleges paragraphs 1 through 19.

14 20. As alleged above, DeBoer was constructively discharged by defendants. The actions
15 of Sanchez and the inaction by Claim Jumper intentionally created or knowingly permitted working
16 conditions to exist that were so intolerable that a reasonable person in DeBoer's position would have
17 had no reasonable alternative except to resign and DeBoer did resign because of these working
18 conditions.

19 21. DeBoer's sex was a substantial motivating reason for misconduct that resulted in
20 DeBoer's constructive discharge.

21 22. As a legal and proximate result of the gender discrimination, DeBoer suffered
22 damages, and will continue to suffer damages, including but not limited to, past and future medical
23 expenses, pain, suffering, emotional distress, mental anguish, and embarrassment.

24 23. Sanchez committed the above acts with malice, fraud and oppression in conscious
25 disregard of plaintiff's rights and safety. Claim Jumper authorized and ratified the conduct of
26 Sanchez by failing to investigate or remedy the ongoing, pervasive, and hostile sexual harassment
27 that was occurring in the workplace. Claim Jumper further had advanced knowledge of Sanchez'
28 misconduct yet continued to employ him in reckless disregard for the rights and safety of Claim

1 Jumper employees and customers, including DeBoer. Plaintiff is therefore entitled to punitive
2 damages against all defendants as defined by Civil Code § 3294.

3 **FOURTH CAUSE OF ACTION**
4 **(Wrongful Termination Against Public Policy**
5 **Against All Defendants)**

6 24. DeBoer re-alleges paragraphs 1 through 23.

7 25. As alleged above, Sanchez and Claim Jumper intentionally created or knowingly
8 permitted working conditions to exist that were so intolerable that a reasonable person in DeBoer's
9 position would have had no reasonable alternative except to resign. The adverse working conditions
10 based upon sex are against public policy and were unusually and repeatedly offensive to a reasonable
11 person in DeBoer's position. DeBoer did resign because of the intolerable conditions.

12 26. As a legal and proximate result of the wrongful termination, DeBoer suffered
13 damages, and will continue to suffer damages, including but not limited to, past and future medical
14 expenses, pain, suffering, emotional distress, mental anguish, and embarrassment.

15 27. Sanchez committed the above acts with malice, fraud and oppression in conscious
16 disregard of plaintiff's rights and safety. Claim Jumper authorized and ratified the conduct of
17 Sanchez by failing to investigate or remedy the ongoing, pervasive, and hostile sexual harassment
18 that was occurring in the workplace. Claim Jumper further had advanced knowledge of Sanchez'
19 misconduct yet continued to employ him in reckless disregard for the rights and safety of Claim
20 Jumper employees and customers, including DeBoer. Plaintiff is therefore entitled to punitive
21 damages against all defendants as defined by Civil Code § 3294.

22 **FIFTH CAUSE OF ACTION**
23 **(Failure to Prevent Harassment, Discrimination, and Retaliation**
24 **(Gov. Code § 12940(k)) Against Claim Jumper and Does 1 to 50)**

25 28. DeBoer re-alleges paragraphs 1 through 27.

26 29. At all relevant times, defendants failed to take all reasonable steps to prevent
27 harassment, discrimination, retaliation based on DeBoer's gender. DeBoer was an employee of
28 Claim Jumper and was subjected to harassment, discrimination, and retaliation in the course of
employment, as alleged above. Claim Jumper failed to take all reasonable steps to prevent the
harassment, discrimination, and retaliation.

30. As a legal and proximate result of the defendants' failure to take all reasonable steps to prevent the harassment, discrimination, and retaliation, DeBoer suffered damages, and will continue to suffer damages, including but not limited to, past and future medical expenses, pain, suffering, emotional distress, mental anguish, and embarrassment.

31. Sanchez committed the above acts with malice, fraud and oppression in conscious disregard of plaintiff's rights and safety. Claim Jumper authorized and ratified the conduct of Sanchez by failing to investigate or remedy the ongoing, pervasive, and hostile sexual harassment that was occurring in the workplace. Claim Jumper further had advanced knowledge of Sanchez' misconduct yet continued to employ him in reckless disregard for the rights and safety of Claim Jumper employees and customers, including DeBoer. Plaintiff is therefore entitled to punitive damages against all defendants as defined by Civil Code § 3294.

SIXTH CAUSE OF ACTION
(Negligent Hiring, Supervision, Or Retention Of Employee
Against Claim Jumper And Does 1 To 50)

32. DeBoer re-alleges paragraph 1 though 31.

33. Claim Jumper hired Sanchez, who was or became unfit and/or incompetent to perform the work for which he was hired. Sanchez preyed on a subordinate employee and used his position of power for sexual contact with DeBoer. Claim Jumper knew or should have known that Sanchez was unfit and/or incompetent and that this unfitness and/or incompetence created a particular risk to its employees and customers, including DeBoer.

34. As a legal and proximate result of the Sanchez's unfitness and/or incompetence to perform his job and defendants' failure to properly hire, supervise and retain Sanchez, DeBoer suffered damages, and will continue to suffer damages, including but not limited to, past and future medical expenses, pain, suffering, emotional distress, mental anguish, and embarrassment.

35. Sanchez committed the above acts with malice, fraud and oppression in conscious disregard of plaintiff's rights and safety. Claim Jumper authorized and ratified the conduct of Sanchez by failing to investigate or remedy the ongoing, pervasive, and hostile sexual harassment that was occurring in the workplace. Claim Jumper further had advanced knowledge of Sanchez' misconduct yet continued to employ him in reckless disregard for the rights and safety of Claim

1 Jumper employees and customers, including DeBoer. Plaintiff is therefore entitled to punitive
2 damages against all defendants as defined by Civil Code § 3294.

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4 **SEVENTH CAUSE OF ACTION**
(Sexual Battery Against All Defendants)

5 36. DeBoer re-alleges paragraphs 1 through 35.

6 37. Sanchez intended harmful or offensive contact with DeBoer's sexual organs, including
7 her breasts, vagina, and buttocks and further intended to force DeBoer to make harmful or offensive
8 contact of Sanchez's penis. Such harmful and offensive sexual contact resulted directly from
9 Sanchez's conduct, as alleged above. DeBoer did not consent to any sexual contact with Sanchez.

10 38. As a legal and proximate result of the Sanchez's sexual contact with DeBoer without
11 her consent, DeBoer suffered damages, and will continue to suffer damages, including but not
12 limited to, past and future medical expenses, pain, suffering, emotional distress, mental anguish, and
13 embarrassment.

14 39. Sanchez committed the above acts with malice, fraud and oppression in conscious
15 disregard of plaintiff's rights and safety. Claim Jumper authorized and ratified the conduct of
16 Sanchez by failing to investigate or remedy the ongoing, pervasive, and hostile sexual harassment
17 that was occurring in the workplace. Claim Jumper further had advanced knowledge of Sanchez'
18 misconduct yet continued to employ him in reckless disregard for the rights and safety of Claim
19 Jumper employees and customers, including DeBoer. Plaintiff is therefore entitled to punitive
20 damages against all defendants as defined by Civil Code § 3294.

21 **EIGHTH CAUSE OF ACTION**
22 **(Gender Violence (Civil Code § 52.4)**
Against Sanchez And Does 1 To 50)

23 40. DeBoer re-alleges paragraphs 1 through 39.

24 41. As alleged above, Sanchez acted with violence, coercion, and intimidation against
25 DeBoer, and violated her rights under Civil Code§ 52.4(c) because she is a woman, and as a means
26 to degrade, demean, and denigrate the female sex. By doing the things alleged above Sanchez
27 intended to cause harmful and offensive sexual contact with DeBoer and such harmful contacts did
28 in fact occur. Lopez did not consent to any of the contacts or any touching.

1 42. As a legal and proximate result of the Sanchez's sexual contact with DeBoer without
2 her consent, DeBoer suffered damages, and will continue to suffer damages, including but not
3 limited to, past and future medical expenses, pain, suffering, emotional distress, mental anguish, and
4 embarrassment.

5 43. Sanchez committed the above acts with malice, fraud and oppression in conscious
6 disregard of plaintiff's rights and safety. Claim Jumper authorized and ratified the conduct of
7 Sanchez by failing to investigate or remedy the ongoing, pervasive, and hostile sexual harassment
8 that was occurring in the workplace. Claim Jumper further had advanced knowledge of Sanchez'
9 misconduct yet continued to employ him in reckless disregard for the rights and safety of Claim
10 Jumper employees and customers, including DeBoer. Plaintiff is therefore entitled to punitive
11 damages against all defendants as defined by Civil Code § 3294.

12 **REQUEST FOR RELIEF**

13 THEREFORE, plaintiff Cathrine DeBoer requests a judgment against defendants Claim
14 Jumper Acquisition Company, LLC, Angel Sanchez and Does 1 through 50 for:

- 15 a. Past and future economic and non-economic damages, according to proof;
16 b. Punitive damages;
17 c. Attorney's fees and costs of suit;
18 d. Civil Penalties; and
19 e. Any other proper relief.

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21 Date: January 9, 2019

Gilleon Law Firm, APC

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24 Daniel M. Gilleon, Attorneys for
25 Plaintiff Cathrine DeBoer
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